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LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

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February 1, 2016

Captain Steven Katz
Los Angeles County Sherriff's Department
Homicide Bureau
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File #15-0286
L.A.S.D. File #015-03181-6713-055

Dear Captain Katz:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 1, 2015, non-fatal shooting of Jeffrey Morriss by Los Angeles County Sherriff's Department (LASD) Sergeant Randolph Springer. It is our conclusion that Sergeant Springer acted in lawful self-defense at the time he fired his weapon.

The District Attorney's Command Center was notified of this shooting on June 1, 2015, at 7:29 p.m. The District Attorney Response Team, comprised of Deputy District Attorney Rosa Alarcon and District Attorney Senior Investigator [redacted] responded and was given a briefing and walk-through of the scene by LASD Sergeant Fred Reynolds.

The following analysis is based on reports submitted to our office by the LASD Homicide Bureau. No compelled statements, if any exist, were considered in this analysis.

FACTUAL ANALYSIS

On June 1, 2015, LASD Sergeant Randolph Springer was uniformed and driving a marked Chevrolet Tahoe in the City of Van Nuys, traveling eastbound on the Orange Line Busway approaching Densmore Avenue. [1] He encountered a red light and as he came to a stop, he looked to his left and saw Jeffrey Morriss and an unknown male engaged in conversation. They were standing approximately 15 feet apart and approximately 15 feet north of Springer's vehicle.

[1] The Orange Line Busway is an east/west asphalt roadway with one lane of traffic in each direction. It is restricted to bus and law enforcement vehicle traffic. The general public is prohibited from driving, walking or riding bicycles on this busway, except for designated crossing points. Densmore Avenue is a north/south asphalt street with lanes of travel in each direction. Access to the Orange Line Busway from southbound Densmore Avenue is restricted by a sheet metal, five foot tall, locked, swinging gate.

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Morriss was holding what appeared to be a gray, sawed-off rifle in his right hand. The rifle was held by the pistol grip handle and the barrel was pointed in a downward direction.

Immediately upon seeing the firearm, Springer unholstered his duty pistol. He was in the process of ordering Morriss to drop the rifle when Morriss turned in a counterclockwise direction, looked in Springer's direction, raised the rifle to his chest, and pointed the barrel of the rifle directly at him. Believing he was going to be shot by Morriss, Springer fired one round, striking Morriss in the abdomen, and causing him to fall to the ground.[2] Morris was later transported to Northridge Medical Center where he was treated for his injury.[3]

Morriss' weapon was recovered from the scene. It was a Crossman, Model 1077, RepeatAir, semiautomatic pellet rifle.[4] The rifle had been modified by cutting down the butt stock to a pistol grip configuration, thereby making it more concealable in public. [5]

On June 3, 2015, the Los Angeles County District Attorney's Office charged Morriss with a violation of Penal Code section 245(c), assault with a deadly weapon on a peace officer, and Penal Code section 417(c), exhibiting a firearm in the presence of a peace officer.[6] On June 3, 2015, Morriss pled no contest to Penal Code section 417(c) and received a probationary sentence.[7]

LEGAL ANALYSIS

According to the law in California, a person acted in lawful self-defense or defense of another if (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury and (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger. If the person's beliefs were reasonable, the danger does not need to have actually existed. CALCRIM No. 505.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight…The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make

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[2] Springer fired while still seated in his patrol vehicle. The bullet penetrated through the driver's side door frame of the Tahoe before striking Morriss.

[3] Morriss had a single, through and through gunshot wound to his abdomen.

[4] This pellet rifle is capable of firing a lead projectile at a velocity of 625 feet per second and its rifled barrel increases its accuracy. It has the appearance of an actual rifle such as a Ruger 10-22 or M1 .30 caliber carbine.

[5] The male with whom Morriss was speaking prior to the incident was identified as [redacted] was asked to remain in the area while the first deputies to respond attended to Morriss and the scene. [redacted] agreed to remain in the area but walked away before he could be interviewed. [redacted] was not located during this investigation. There were no other percipient witnesses to the incident.

[6] Case number LA081098.

[7] Morriss was interviewed and stated that he is homeless and was carrying the pellet rifle for protection from [redacted] and others who had previously assaulted him. [redacted] had offered him narcotics and the two had an unpleasant exchange, which led to Morriss firing a pellet over [redacted] head shortly before the incident. Morris said he was holding the rifle at chest level when Springer drove in his line of fire. Springer told him to drop the weapon. As Morriss was moving it towards the ground, Springer shot him.

split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." Graham v. Conner (1989) 490 U.S. 386, 396-397.

The evidence examined in this investigation shows that Sergeant Springer, while seated in his patrol vehicle, observed Morriss standing 15 feet away from him with a rifle in his hand. Springer immediately reacted by retrieving his duty pistol but before he could complete his command to Morriss to drop the rifle, Morris looked at Springer and pointed the rifle directly at him. Believing the rifle was an actual firearm and fearing that he would be shot, Springer made a split-second decision to fire his weapon, striking Morriss.

CONCLUSION

Based on the foregoing, we conclude that Sergeant Springer was placed in reasonable fear of imminent danger of death or great bodily injury to himself. Sergeant Springer acted lawfully in self-defense when he used deadly force against Jeffrey Morriss. We are therefore closing our file and will take no further action in this matter.

JACKIE LACEY
District Attorney

By Rosa Alarcon

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c: Sergeant Randolph Springer, #[redacted]